

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**MARY WILEY,**

**Plaintiff,**

**v.**

**CAROLYN COLVIN, Acting  
Commissioner of Social Security**

**Defendant.**

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**Case No. 13-CV-306-JHP-SPS**

**ORDER AFFIRMING AND ADOPTING IN PART THE REPORT AND  
RECOMMENDATION OF THE UNITED STATES  
MAGISTRATE JUDGE**

On September 10, 2014, the United States Magistrate Judge entered a Report and Recommendation in regard to Plaintiff's request for judicial review of the decision of the Commissioner of the Social Security Administration. The Magistrate Judge recommended that the decision of the Administrative Law Judge be reversed and the case be remanded to the Administrative Law Judge for further proceedings. The Commissioner has not filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a).

Though neither party filed an objection to the Magistrate Judge's Report and Recommendation, the Plaintiff filed a Motion to Clarify Magistrate's Report and Recommendation. The Plaintiff requests that the Magistrate's Report and Recommendation be clarified to read, in relevant part, "Accordingly, the undersigned RECOMMENDS that the decision of the Commissioner be REVERSED and the case REMANDED for further proceedings consistent herewith for the period of time prior to June 1, 2011." This Court finds that such a clarification to the Report and Recommendation should be made to reduce confusion

at the administrative level and to prevent the cessation of the benefits Plaintiff is currently receiving.

This Court finds that the Report and Recommendation of the Magistrate Judge is supported by the record, subject only to the clarification requested by Plaintiff. Therefore, upon full consideration of the entire record and the issues presented herein, the Court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on September 10, 2014, be **AFFIRMED** and **ADOPTED IN PART** by this Court as its Findings and Order and the decision of the Commissioner is **REVERSED** and the case **REMANDED** for further proceedings consistent herewith for the period of time prior to June 1, 2011.

IT IS SO ORDERED this 30th day of September, 2014.



James H. Payne  
United States District Judge  
Eastern District of Oklahoma